

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: 19 February 2003

Division: Growth Management

Bulk Item: Yes ☐ No ☒

Department Marine Resources

AGENDA ITEM WORDING:

Approval of an ordinance revising Chapter 5.5, Article III, "No Discharge Zone."

ITEM BACKGROUND:

Seventeen specific no discharge zones were approved by the Commission in Ordinance 20-1999, but were not formally approved by the U.S. Environmental Protection Agency (US EPA) as required by law. Instead, a different approach was taken to approve an over-arching No Discharge Zone for the state waters of the FKNMS. The request to create this broader zone was made by the Governor at the request of a majority of the municipalities and the County. Ultimately the No Discharge Zone was approved by US EPA and became Law on June 19, 2002.

This revision to the No Discharge Zone Ordinance eliminates the previously adopted seventeen zones and adopts the over-arching state waters zone.

PREVIOUS RELEVANT BOCC ACTION:

August 1999- Resolution 617-1999

CONTRACT/AGREEMENT CHANGES:

None

STAFF RECOMMENDATIONS:

Approval

TOTAL COST: None

BUDGETED: Yes N/A No

COST TO COUNTY: None

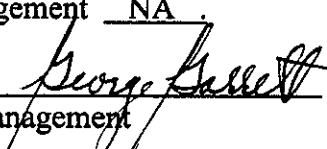
SOURCE OF FUNDS: N/A

REVENUE PRODUCING: Yes ☐ No ☒ AMOUNT Per Month Year

APPROVED BY: County Atty ☒ OMB/Purchasing NA Risk Management NA

DIVISION DIRECTOR APPROVAL:


Timothy McGarry, Director of Growth Management



DOCUMENTATION: Included ☒ To Follow ☐ Not Required ☐

DISPOSITION:

AGENDA ITEM NO.: 74

ORDINANCE NO. 2003

**AN ORDINANCE MODIFYING CHAPTER 5.5, ARTICLE III,
MONROE COUNTY CODE CONCERNING NO DISCHARGE
ZONES, PROVIDING FOR SEVERABILITY; PROVIDING
FOR THE REPEAL OF ALL ORDINANCES INCONSISTENT
HEREWITH; PROVIDING FOR INCORPORATION INTO
THE MONROE COUNTY CODE; PROVIDING FOR AN
EFFECTIVE DATE**

WHEREAS, the tropical waters surrounding the Florida Keys contain an ecologically diverse tropical marine ecosystem, including the only coral reef system in the continental United States;

WHEREAS, these waters are of such great interest and beauty, and hold such concern for protection, that the State of Florida has designated them as Outstanding Florida Waters and Congress has designated them as a part of the Florida Keys National Marine Sanctuary; and

WHEREAS, Monroe County considered the protection of these waters so critical that in 1999, the Board of County Commissioners designated 17 zones throughout the waters of the County as No Discharge Zones; and

WHEREAS, subsequent to this effort, the County also petitioned the Governor and the U.S. Environmental Protection Agency to designate all of the waters of the Florida Keys as a No Discharge Zone (NDZ); and

WHEREAS, through the efforts of the Governor and the U.S. EPA, State waters within the boundaries of the Florida Keys National Marine Sanctuary will become a No Discharge Zone on June 19, 2002; and

WHEREAS, it is the County's desire to modify its No Discharge Zone Ordinance to mirror the conditions set by the federal designation and to augment

the State and federal governments potential for enforcement of the NDZ designation; now, therefore

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA; THAT

Section 1. Change the title of Article III (formerly Article XIX) to “No Discharge Zone Established” and apply the following modifications to Chapter 5.5, Article III:

Sec. 5.5-46. Definitions

- (a) Definitions shall apply as provided in Article I of this chapter or are referenced from other chapters as appropriate.

Sec. 5.5-47. No Discharge Zone Established

- (a) A No Discharge Zone is hereby established to coincide exactly with those boundaries identified in Federal Register Notice 66: 144,pp 38967-38969, promulgated on 26 July 2001.

Sec. 5.5-48. Force and Effect

- (a) This Ordinance becomes effective in the No Discharge Zone identified on the map in Exhibit A upon final approval at the federal level, U.S. EPA Region IV.

Section 6. Reserve Secs. 5.5-49 – 5.5-75

Section 7. Severability.

If any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of this Ordinance shall not be affected by such invalidity.

Section 8. Repeal of inconsistent ordinance clauses.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed to the extent of said conflict.

Section 9. Inclusion in the Monroe County Code.

The provisions of this Ordinance shall be included and incorporated in the Code of Ordinances of the County of Monroe, Florida, as an addition to amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

Section 10. Effective date

This Ordinance shall be filed with the Office of the Secretary of State of the State of Florida, but will not take effect until the No Discharge Zone identified in Federal Register Notice 66: 144, pp 38967-38968 becomes effective under federal law.

Marine Resources

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the 19th day of February, 2003.

Mayor Dixie Spehar
Mayor Pro Tem Murray Nelson
Commissioner George Neugent
Commissioner Charles "Sonny" McCoy
Commissioner David Rice

(SEAL)

ATTEST: DANNY L. KOLHAGE, CLERK

Board of County Commissioners
Of Monroe County, Florida

BY _____
Deputy Clerk

Mayor/Chairman

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

BY 
ATTORNEY'S OFFICE

Exhibit A

No Discharge Zone

